

Notice of Allowability	Application No.	Applicant(s)	
	10/576,620	KOZIKOWSKI ET AL.	
	Examiner	Art Unit	
	CELIA CHANG	1625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/27/11 amendment.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 1-4,24-29,31,32,34-40,42,43,45-51,53,54,56,108-113,115,116 and 118.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>1/23/09</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>attached</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input checked="" type="checkbox"/> Other <u>DRAWINGS ARE APPROVED</u>. |
|---|--|

/Celia Chang/
Primary Examiner,
Art Unit 1625

Art Unit: 1625

DETAILED ACTION

1. An after final amendment was filed by applicants dated Dec. 27, 2011.
Claims 5-23, 30, 33, 41, 44, 52, 55, 57-107, 114, 117 have been canceled.
Claims 1-4, 24-29, 31, 32, 34-40, 42, 43, 45-51, 53, 54, 56, 108-113, 115, 116, 118 are pending.

2. *Examiner's amendment*

Authorization for this examiner's amendment was given in a telephone interview with Sharon M. Walker on Jan. 4, 2012.

Claim 1, 4th line after the formula, after "R³ is aryl" insert the term
--optionally substituted—

Claim 2, 4th line after the formula, after "R³ is aryl" insert the term
--optionally substituted—

Claim 3, 4th line after the formula, after "R³ is aryl" insert the term
--optionally substituted—

Claim 4, 4th line after the formula, after "R³ is aryl" insert the term
--optionally substituted—

Claim 27, line 1, delete "aryl" and in its place insert
--optionally substituted phenyl--

Claim 38, line 1, delete "aryl" and in its place insert
--optionally substituted phenyl--

Claim 49, line 1, delete "aryl" and in its place insert
--optionally substituted phenyl--

Claim 111, line 1, delete "aryl" and in its place insert
--optionally substituted phenyl—

3. *Reason for Allowance*

The following is an examiner's statement of reasons for allowance:

Art Unit: 1625

Applicants have amended the claims to be limited to the allowable scope wherein R⁴ is C(O)N(R⁶)₂. Applicants have also amended claims 1-4, 27, 38, 49, 111 to include optionally substituted aryl which provided the antecedent basis for the dependent claims of halo- or chloro-substituted phenyl. Basis for the amendment is found on p.7 of the specification. Claims 1-4, 24-29, 31, 32, 34-40, 42, 43, 45-51, 53, 54, 56, 108-113, 115, 116, 118 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celia Chang, Ph. D. whose telephone number is 571-272-0679. The examiner can normally be reached on Monday through Thursday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet L. Andres, Ph. D., can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OACS/Chang
Jan. 4, 2012

/Celia Chang/
Primary Examiner
Art Unit 1625